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11 Attorneys for Plaintiffs

13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA

15 SKYWEST PILOTS ALPA ORGANIZING ) CASE No. C-07-2688 CRB  
16 COMMITTEE, *et al.*, )  
17 Plaintiffs, )  
18 vs. )  
19 SKYWEST AIRLINES, INC., )  
20 Defendant. )  
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**DECLARATION OF STEPHEN  
BERZON IN SUPPORT OF  
PLAINTIFFS' MOTION TO  
CHANGE TIME RE: PRELIMINARY  
INJUNCTION HEARING DUE TO  
IRRECONCILABLE SCHEDULING  
CONFLICT**

1 I, Stephen P. Berzon, declare as follows:

2 1. I am a member of the bar of this Court and lead counsel for plaintiffs in this case.

3 2. The Court today issued an amended scheduling order changing the date of the  
4 hearing on Plaintiffs' motion for a preliminary injunction from Tuesday, June 12, 2007 to Monday,  
5 June 11, 2007 at 9:30 am. This new date creates an irreconcilable conflict with my schedule.

6 3. As previously indicated in the declaration of my colleague Linda Lye, submitted to  
7 the Court yesterday, May 29, 2007, in support of Plaintiffs' opposition to Defendant's motion to  
8 change time, I am unavailable from June 6, 2007 through June 11, 2007 due to a long-planned trip  
9 to Hawaii with my wife. I thus cannot be in San Francisco for a hearing on June 11, 2007 at 9:30  
10 am.

11 4. I will be in Honolulu, Hawaii on June 6 and 7, 2007. On Friday afternoon, June 8,  
12 2007, my wife and I travel to Hana on the Island of Maui. My airline reservation and the hotel in  
13 Hana are not refundable.

14 5. I do not arrive back at San Francisco International Airport until 8:12 pm on the night  
15 of Monday, June 11, 2007, and I will not get home until approximately ten o'clock. The hotel in  
16 Hana is several hours away from the Maui airport along a road that is very difficult to travel, and I  
17 am returning on the earliest feasible flight that day.

18 6. For these reasons, I was ready to participate in the hearing as lead counsel of May 31,  
19 2007, and we requested the first week in July as an alternative to that date if necessary. I can  
20 participate in a hearing on June 12, 2007, the date that the Court set yesterday (although that date  
21 will be difficult, given that I only return home quite late the night before). But, respectfully, I  
22 cannot participate in a hearing on June 11, 2007.

23 7. As lead counsel for Plaintiffs in this case, it is critical that I be able to participate in  
24 the preliminary injunction hearing. I plan on presenting oral argument, examining many of  
25 Plaintiffs' witnesses, and taking the lead in cross-examining Defendant's witnesses. In preparation  
26 for the preliminary injunction hearing, I am currently engaged in witness preparation and have  
27 already devoted substantial time and effort to preparing for the hearing. The scheduling of the  
28 preliminary injunction hearing on a date when I cannot attend would cause extreme prejudice to

1 Plaintiffs.

2 I declare under penalty of perjury that the foregoing is true and correct. Executed on May  
3 30, 2007 at San Francisco, California.

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